

REMARKS

This Response is submitted in response to the Office Action dated February 21, 2007. Claims 1, 12, 30, 42, 47, 48 and 49 have been amended to further clarify the claimed inventions. In addition, Claims 3, 4, 5, 10, 13 to 17, 20 to 22, 28, 29, 31, 33, 34, 35, 51 and 52 have also been amended to be consistent with the amendments of Claims 1, 12, 30 and 49. No new subject matter has been added by these amendments. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

The Office Action rejected:

- (a) Claims 1 to 3, 12 to 19, 22, 23, 29 to 34, 37, 38 42 to 53 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,174,235 to Walker et al. ("*Walker*") in view of Price is Right;
- (b) Claims 4, 5, 20, 21, 35 and 36 under 35 U.S.C. §103(a) as being unpatentable over *Walker* in view of the Price is Right games and further in view of U.S. Patent No. 6,231,442 to Meyeroff; and
- (c) Claims 6-11, 24-28 and 39-41 under 35 U.S.C. §103(a) as being unpatentable over *Walker* in view of the Price is Right games and further in view of U.S. Patent No. 6,251,013 to Bennett.

Applicants respectfully disagree with and traverse these rejections for at least the reasons discussed below. Certain of the claims have been amended to clarify existing elements in the claims.

Walker describes a game having an array of possible location choices. Elements such as \$1, \$5, \$10, \$50 and "Not a Winner" are randomly assigned to each of the locations. *Walker*, column 7, lines 15-67 and Fig. 8. In one embodiment, each of the locations are masked or obscured until selected by the player. *Walker*, column 8, lines 1-3. In another embodiment, certain of the elements may be temporarily revealed to the player before they are masked or obscured for selection "thereby introducing the player's memory ability into the game." *Walker*, column 8, lines 23-27. After the player

selection portion of the game begins, a selected element is not displayed until after a selection is made or after all of the selections are made. *Walker*, column 3, lines 10-11.

Walker at least does not disclose a plurality of player-selectable digit positions. The Office Action seems to confuse or attempts to equate the locations in *Walker* with digit positions in the claimed invention. Applicants respectfully submit, however, that the locations of *Walker* function in a substantially different manner from the **digit** positions of the claimed invention. The elements associated with the locations in *Walker* do not form a displayed value as in the claimed invention. To clarify the claimed invention, Applicants have amended certain of the claims to include in Claim 1, for example, displaying digits in association with digit positions, wherein the digits form a displayed value. Therefore, in contrast to what is suggested in the Office Action, page 2, *Walker* at least does not disclose a plurality of player-selectable digit positions.

The Office Action relies on the Price is Right games to cure the deficiencies of *Walker* as to each of the independent claims. In many cases, however, it is unclear which of the many Price is Right games is being relied upon in the Office Action. Moreover, *Walker* alone or in combination with any of the Price is Right games fails to disclose each and every element of the claimed invention. In particular, *Walker* alone or in combination with any of the Price is Right games does not disclose enabling a player to select digit positions in an order before associating digits with the digit positions and before displaying the digits associated with the digit positions as in Claim 1.

Walker alone or in combination with any of the Price is Right games does not disclose enabling a player to arrange at least two masked digits in an order decided by the player before revealing the digits to the player and displaying the digits in the order decided by the player such that the digits form a displayed value as in Claim 12.

Walker alone or in combination with any of the Price is Right games does not disclose enabling a player to associate selections with digit positions before displaying digits associated with the selections and displaying the digits of the selections upon association of the selections with the digit positions such that the digits form a displayed value as in Claim 30.

Walker alone or in combination with any of the Price is Right games does not disclose a selection orderer operable with a processor to enable a player to select at least two selections and order those selections in digit positions of an award without revealing a digit associated with each selection. *Walker* alone or in combination with any of the Price is Right games also does not disclose a selection orderer operable with the processor and the display device to reveal the award by displaying the digit associated with each selection upon ordering the selections in the digit positions selected by the player as in Claim 42.

Walker alone or in combination with any of the Price is Right games does not disclose a processor operable with the display device and the input device to associate digits with selections without displaying the digits associated with the selections until after a player associates the selections with a one's digit position and a ten's digit position of an award provided to the player, wherein the award is based on a number of monetary units equal to a value formed by the digits associated with the one's digit position and the ten's digit position as in Claim 47.

Walker alone or in combination with any of the Price is Right games does not disclose a processor operable with the display device and the input device to associate digits with selections without displaying the digits associated with the selections until after a player associates the selections with a one's digit position, a ten's digit position and a hundred's digit position of an award provided to the player, wherein the award is based on a number of monetary units equal to a value formed by the digits associated with the one's digit position, the ten's digit position and the hundred's digit position as in Claim 48.

Walker alone or in combination with any of the Price is Right games does not disclose a processor operable with the display device and the input device to associate digits with the selections without displaying the digits associated with the selections until after the player associates the selections with the number of possible digits of the award provided by the initial determination to form a value of the award provided to the player, wherein the award is based on a number of monetary units equal to the value of the award as in Claim 49.

Page 6 of the Office Action suggests that it would have been obvious to one of skill in the art at the time the invention was made to include multiple selection and arrangement options of the Price is Right with the gaming device of *Walker*. As Applicants have established in Remarks filed in response to previous Office Actions, the intended purpose of many of the Price is Right games is to challenge a player to guess the price of an item. To this end, the Price is Right games reveal the numbers to the player before the player positions the numbers in the price of the item. In contrast to guessing a value of an item, the intended purpose of *Walker* is to challenge the player to pick a location having an element associated with that location that has the highest value. It would, therefore, frustrate the intended purpose of *Walker* to enable a player to select revealed elements. Accordingly, one of skill in the art would have had no expectation of success in modifying *Walker* with the features of the Price is Right games to arrive at the claimed invention.

Moreover, even if the Price is Right games are combinable with *Walker* in the manner suggested by the Office Action, neither *Walker* nor the Price is Right games disclose determining an award based on the displayed value formed by the order of digits decided by the player as in the claimed invention. In both *Walker* and the Price is Right games, the value of the award provided to the player is predetermined. In *Walker*, the value of the award provided to the player is the value of the element associated with the location before the player picks the location. In the Price is Right games, the value of the award provided to the player is predetermined to be the price of the item the player is attempting to guess. If the player matches the revealed numbers with the correct positions in the price of the item, the player receives the award. Therefore, *Walker* and the Price is Right games do not disclose determining an award based on the displayed value formed by the order of digits decided by the player and are deficient as to the claimed invention.

For at least these reasons, Applicants respectfully submit that Claims 1, 12, 30, 42, 47, 48 and 49 are in condition for allowance. Applicants respectfully submit that Claims 2-11, 13-29, 31-41, 43-46 and 50-53 which depend from Claims 1, 12, 30, 42 and 49, respectively, are also in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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